

May 17, 2024

Hon. Paul G. Gardephe
Thurgood Marshall
U.S. Courthouse
40 Foley Square
New York, New York 10007

Dear Judge Gardephe:

My name is Erica Jacobson (née Weiner) and I am Dr. Weiner's youngest daughter. I am admitted to practice law in New York and New Jersey, a Certified Anti-Money Laundering Specialist, and a manager in PwC's Financial Crimes Unit. After my first year of law school, I interned for the late Hon. Arthur D. Spatt in the Eastern District of New York. At the start of sentencing hearings, Judge Spatt would explain the sentencing guidelines with a similar line, saying that "the Supreme Court, in its wisdom, found that the guidelines had some problems with them, and that they should not be mandatory." I am writing to you today to respectfully request you to show leniency for my dad based on his character, accountability for his actions, the people who depend on him, and involvement in his community.

My dad has paid the price of his actions and has already suffered in numerous ways. He has been shamed in the medical community – a community that he has felt proud to be a part of his whole professional life. Being Dr. Weiner is such an important part of my dad's self identity because his father and grandfather were also Dr. Weiner (as are my uncle, aunt, cousin, and two sisters). Now, his reputation he worked his whole life for has been shattered. My dad has not only been shamed and embarrassed in the medical community but in the neighborhood and with personal relationships as well. However, my dad feels the weight of his situation most for the impact it has had on our family. My mom has been suffering from terrible migraines and there are days she cannot get out of bed. She has trouble eating and sleeping from the stress and anxiety of what may come. It keeps me up at night wondering how this situation has impacted my parents' health. My oldest sister lost a pregnancy during this time, for which my dad blames himself. My other sister has been suffering from anxiety and has been taking antidepressants and anti-anxiety medications to help deal with the stress. I have felt the stress and worry of my dad's situation everyday since he was first subpoenaed. I have been unable to conceive and my dad blames himself for my struggles. The weight on my dad, of how our family has suffered over the last few years is more punishing to him than any sentence that may be imposed, which is why I am asking for leniency. A sentence for my dad would be a sentence for my whole family, who has already been through so much suffering and pain.

When my sisters and I were growing up, my dad worked multiple jobs. However, as a kid I never knew this, all I knew was that my dad was home for dinner and we ate together as a family. At the dinner table, we would go around and talk about our day. When it was my dad's turn he would only say his day is better now that he is home with his girls. He never wanted attention on what he was doing but was just happy to hear us detail the minor ups and downs of our day. Similarly, when we had Chinese food for dinner, we would go around the table and read out our fortunes. My dad got the same fortune every time, "I have the three most beautiful girls in the whole world." Every night my dad would come in to tuck us into bed and whisper that he would love and take care of us always. My dad now whispers this same thing to my nephew and nieces. My dad has always viewed that his most important job is to take care of his family. I've seen the strain on him when he thinks he has let us down by this situation.

My dad is good natured, open, and trusting. In turn, my dad also thinks everyone else is straight-forward, honest, and trustworthy. He easily makes conversation with anyone and goes out of his way to connect with people. My dad takes people at their word and gives people the benefit of the doubt. It is important to my dad to give people a chance; for example, he likes to read the local newspaper and search for newly opened businesses because he always says that “everyone is entitled to make a living.”

People often ask how both my sisters became doctors and I became a lawyer. From an early age, my parents always stressed the importance of focusing on our school work and studying. My dad would often say, it's your job to go to school and learn and it is my job to provide for you. My dad would always tell us he wanted us to be professionals so we would always have a career and a way of supporting ourselves without needing to depend on anyone else. For my dad, having a professional degree was never about money but instead about independence and stability. My dad would say if you have a professional degree it could never be taken away from you and you always had a way to support yourself.

My dad always taught us to work hard. He often says, “pay now or pay later,” meaning if we studied and were good students we would be grateful later in life. When I was a kid and struggled with spelling and vocabulary tests, my dad would help me study and taught me how to work hard at something and to not give up. This work ethic, my dad's work ethic, has driven my and my sisters' professional success. During our school years, my parents never cared about grades, they only cared about trying. As long as we tried our best, my parents were happy and proud.

My dad is kind and generous beyond measure. Some of my favorite memories are of my dad taking us out for ice cream or surprising us with gifts. I remember one night crying from reading a particularly sad book and the next day my dad came home from work with the newly released hardcover of a series he knew I enjoyed reading and said no more sad books. On my dad's birthday he always bought us gifts because he would say seeing us happy was present enough for him.

Growing up, we didn't have TVs in our bedrooms; as with other activities, my parents wanted TV to be something we did together. My dad always emphasized the importance of being together as a family. My dad would do anything to spend time with all of us, and that has never changed. To this day, nothing makes my dad happier than when my sisters and I are at my parents' house. When we all sleep at the house, my dad walks the hallway with a big smile and says “all my planes are in the hangar.” When I was in high school, I used to go on walks with my dad around the school track. My history teacher, who was also a coach and would be at the school at night, told me in class how he saw me walking with my dad and how that was so special. I remember telling my dad this comment and him being so proud.

When I was deciding on which law school to attend, my dad encouraged me to go to NYU because he said having me be able to go door to door in under an hour (from my parents' house to my dorm) was worth every penny. This is despite having received merit scholarships to every other school I was accepted to. But this is how my dad is, he always encouraged us to go after our dreams and provided the way for it to be possible.

My parents watch my 3 year old nephew most weekdays. As a kid born in 2020, my nephew knows how to call me from my mom's cell phone. He calls me almost every time he is with my parents

and gives me a report on what everyone is doing. For example, he will tell me he is playing with trucks with Poppa in the den and Grannie is in the kitchen or that he is playing pretend train with Grannie and Poppa is in the basement working. For the past few months, every time he tells me my dad's location, my stomach drops because I don't know how my sister is going to explain to my nephew if my dad is sentenced and not home.

My family is extremely close. I talk to my parents 1-2 times a day. My husband and I visit my parents almost every weekend. A few weeks ago, we were at my parents' house and my sister was there with her one-year-old daughter. My niece was leveraging herself up but not yet walking. Two weeks later, when we visited my parents' house again and my sister was there with her husband and daughter, my niece was walking all around the house. I was shocked by her progress in just two weeks but the only thing I could think of was all the milestones of my nephew and two nieces that my dad will miss if he is sentenced to prison. It breaks my heart to imagine what he could miss out on. I think about myself and getting pregnant and worry that my dad may not be there for me during that time in my life – a moment he has not only waited for but agonized over. I similarly worry that my dad may not be there when my first child is born.

I went with my dad to his arraignment - a sentence I have not been able to say out loud. When I was in law school learning criminal law I read and wrote the phrase "criminal defendant" numerous times but have not been able to process that it applies to my dad. My dad never asked me to go with him that day. This is how I was raised, we have always been a family that helps out when someone needs it without them needing to ask. That day I saw my dad weak and scared. As someone who has always looked up to my parents and views my dad as my hero, I cannot explain how it has been to see my dad during this process and the emotional and psychological toll it has taken on me. This situation has been so emotionally traumatic for me and my whole family. A prison sentence for my dad would have far reaching consequences for each of us and would negatively impact the rest of our lives.

At the end of sentencing hearings, Judge Spatt would look the defendant in the eye and say that he never wants to see them again. Your Honor, you will never see my dad again. I hope my letter conveys that even a week of my dad in prison would be devastating to my entire family. I kindly ask you, on behalf of myself and my family, to show leniency not only for my dad but for all of us.

Sincerely,

A handwritten signature in cursive script that reads "Erica Jacobson". The ink is dark and the signature is fluid, with a large 'E' and a long, sweeping 'J'.

Erica Jacobson